

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated June 7, 2007 which has been reviewed and carefully considered. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-21 remain in the Application. Claims 1, 8 and 20 are independent claims. Applicants reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the file history, it is noted that the title is misspelled. In response, the current title has been deleted and substituted with a new title correcting the improper spelling. Accordingly, it is respectfully submitted that the title is now in proper form.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice. Further, the specification has been amended to correct certain informalities noted upon review of the specification.

By means of the present amendment, claims 1-20 are amended for

non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Claims 1-20 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents.

In the Office Action, claims 1-2, 10-11, 15-17 and 20 are rejected under 35 U.S.C. §112, second paragraph as allegedly indefinite. The Applicants respectfully disagree. However, without agreeing with the Examiner, and in the interest of advancing prosecution, claims 1-2, 10-11, 15-17 and 20 have been amended to remove the alleged informality noted by the Examiner. It is respectfully submitted that the rejection of claims 1-2, 10-11, 15-17 and 20 have been overcome and an indication as such is respectfully requested.

In the Office Action, the Examiner indicated that claim 8 would be allowable if rewritten in independent form. Applicants gratefully acknowledge the indication that claim 8 contains allowable subject matter. Claim 8 has been rewritten in independent form. Accordingly, it is respectfully requested that

independent claim 8 be allowed.

Claims 1-3, 9, 13-16 and 18-21 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent Publication No. 2003/0038772 (De Boer). Claims 4-7 and 12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over De Boer in view of U.S. Patent Publication No. 2002/0171619 (Gordon). Claim 17 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over De Boer in view of U.S. Patent No. 3,976,485 (Groner). It is respectfully submitted that the claims are allowable over De Boer in view of Gordon and Groner for at least the following reasons.

It is respectfully submitted that De Boer is only available as prior art with regard to the present application under 35 U.S.C. §102(e) as noted in the Office Action in paragraph 7, and as such is not available as prior art under §103(a) for the following reasons.

The present application was filed July 12, 2005, and thus has the benefit of the November 29, 1999, changes to 35 U.S.C. §103(c). Under 35 U.S.C. §103(c), (emphasis added) "Subject matter developed by another person, which qualifies as prior art only under one or more subsections (e), (f), and (g) of section 102 of this title,

shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The subject matter of De Boer and the claimed invention are and were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s). Since, De Boer has a publication date of February 27, 2003, which is after the European filing date of January 17, 2003 of the present application that designated the U.S. and is published in English as WO 03/06316, De Boer is available as prior art with regard to the present application only under 35 U.S.C. §102(e). As the present application is owned by the same person or subject to an obligation of assignment to the same person, it is respectfully submitted that De Boer is not available as prior art under §103(a).

Accordingly, it is submitted that claims 4-7, 12 and 17 are allowable and recognition of such is respectfully requested.

With regard to the 102(e) rejection, De Boer is introduced. De Boer is directed to electrophoretic display containing pixels 10

which each have a main reservoir 16 and four auxiliary reservoirs 18 (see, paragraph 35, FIG. 2). The reservoirs contain differently colored particles which may be separated based on their differing electromobilities, or in other words, their differing responses to an electric field (see, paragraph 36). As shown in FIG. 2 of De Boer, the pixel 10 is a regular square or rectangular shape.

It is respectfully submitted that the display of claim 1 is not anticipated by De Boer. For example, De Boer does not disclose or suggest, a display that amongst other patentable elements, comprises (illustrative emphasis provided) "wherein an outer perimeter of the pixel is non-uniform" as required by claim 1, and as substantially required by claim 20.

Based on the foregoing, it is respectfully submitted that independent claims 1 and 20 are patentable over De Boer and notice to this effect is earnestly solicited. Claims 1-3, 9, 10-11, 13-16 and 18-21 respectively depend from claim 1 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

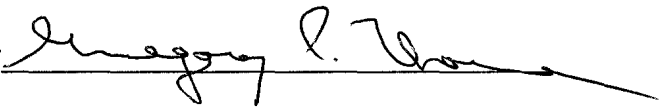
In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Amendment in Reply to Office Action mailed on June 7, 2007

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 

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